

SENATE BILL 421

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5lr0903
CF HB 616

By: **Senator McKay**

Introduced and read first time: January 20, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Destroying Funerary Objects and Cemetery Elements – Statute**
3 **of Limitations and Prohibition**

4 FOR the purpose of increasing the statute of limitations for prosecutions relating to
5 destroying funerary objects and other elements of a cemetery to begin at the time
6 local authorities knew or reasonably should have known of the violation; prohibiting
7 a person from willfully destroying, damaging, defacing, or removing ~~landscaping or~~
8 part of the grounds of a cemetery; and generally relating to the statute of limitations
9 for and prosecution of the crime of destroying funerary objects and other elements of
10 a cemetery.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–106(a)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2024 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 5–106(jj)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 10–404(a)
 2 Annotated Code of Maryland
 3 (2021 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Criminal Law
 6 Section 10–404(b) and (d)
 7 Annotated Code of Maryland
 8 (2021 Replacement Volume and 2024 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 10 That the Laws of Maryland read as follows:

11 **Article – Courts and Judicial Proceedings**

12 5–106.

13 (a) Except as provided by this section, § 1–303 of the Environment Article, and §
 14 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
 15 instituted within 1 year after the offense was committed.

16 **(JJ) A PROSECUTION FOR A VIOLATION OF § 10–404(A) OR (B) OF THE**
 17 **CRIMINAL LAW ARTICLE RELATING TO THE DESTRUCTION OF FUNERARY OBJECTS**
 18 **AND OTHER ELEMENTS OF A CEMETERY SHALL BE INSTITUTED WITHIN 3 YEARS**
 19 **AFTER THE LOCAL AUTHORITIES IN FACT KNEW OR REASONABLY SHOULD HAVE**
 20 **KNOWN OF THE VIOLATION.**

21 **Article – Criminal Law**

22 10–404.

23 (a) (1) Subject to the provisions of paragraph (2) of this subsection, a person
 24 may not willfully destroy, damage, deface, or remove:

25 (i) an associated funerary object or another structure placed in a
 26 cemetery; [or]

27 (ii) a building, wall, fence, railing, or other work, for the use,
 28 protection, or ornamentation of a cemetery; **OR**

29 **(III) ~~LANDSCAPING OR ANY OTHER~~ PART OF THE GROUNDS OF A**
 30 **CEMETERY.**

31 (2) The provisions of paragraph (1) of this subsection do not prohibit the
 32 removal of a funerary object or a building, wall, fence, railing, ~~LANDSCAPING~~, or other
 33 object installed for the use, protection, or ornamentation of a cemetery or burial site; **OR**

1 OTHER PART OF THE GROUNDS OF THE CEMETERY for the purpose of repair or
2 replacement, either at the request of or with the permission of heirs or descendants of the
3 deceased or the owner or manager of the cemetery or burial site.

4 (b) (1) Subject to the provisions of paragraph (2) of this subsection, a person
5 may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

6 (2) The provisions of paragraph (1) of this subsection do not prohibit
7 normal maintenance of a cemetery or burial site, including trimming of trees and shrubs,
8 removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

9 (d) A person who violates this section is guilty of a misdemeanor and on conviction
10 is subject to:

11 (1) for a violation of subsection (a) of this section, imprisonment not
12 exceeding 5 years or a fine not exceeding \$10,000 or both; and

13 (2) for a violation of subsection (b) or (c) of this section, imprisonment not
14 exceeding 2 years or a fine not exceeding \$500 or both.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.